

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK (SDNY)

RE: JOHN PETEREC-TOLINO v PENNROSE LLC; et al.

CASE NO. 24-CV-06911 (JGK) (SDA)

Honorable: John G. Koeltl

United States District Court Justice

Honorable: Stuart D. Aaron

United States District Court Magistrate Justice

500 Pearl Street, New York, N.Y. 10007

Dear Judge Koeltl & Magistrate Aaron, I, John Peterec-Tolino am the Plaintiff/Petitioner in the above stated case. I write in response to a letter from Nathan Taylor, Assistant Corporation Counsel of the City Law Department, filed on January 2nd, 2025 to the Chambers of Judge Koeltl. By the way, Happy New Year to the both of you.

It appears that Mr. Taylor as per Rule 11(a) of the Federal Rules of Civil Procedure is requesting a Court conference to address what he states to be a "Motion to Dismiss" my Amended Verified Complaint. Initially weeks ago, I agreed to an early January date to receive what would have been many Motions to Dismiss from the numerous defendants herein, who did not want a revised service of what is now an Amended verified Complaint.

In fact, a letter acknowledging such by legal counsel for another defendant was sent to Magistrate Aaron.

A short while after that, I felt it would be better if all defendants based upon my Amended Verified Complaint being it fully replaced and superseded the already served Original Verified Complaint to be properly served like what was originally done via the Court Clerk instructing the US Marshals Processing Department. I requested a new directive or order to do so from the Court in regards to my Amended Verified Complaint. In fact, I had stated my request to the Court for this to occur via my LETTER OF REQUEST that I had submitted to the Pro se Office back on December 2nd of 2024.

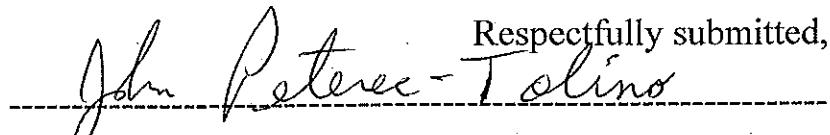
Assistant Corporate Counsel for the City of New York's Law department, Nathan Taylor, on the top of his page two (2) of his January 2nd filed correspondence to Judge Koeltl, Mr. Taylor states the following: "As an initial matter, the City reserves the right to challenge service if not properly served."

Based upon this statement, I believe his request for an upcoming conference should be denied until all defendants are served via the US Marshals of my Amended Verified Complaint and the filing by me of the proof of such by them from their affidavits of service. Only at that point will all defendants be within the jurisdiction of this US District Court (SDNY) as per my Amended Verified Complaint. This, will eliminate any proper challenges of service as the US Marshals will serve all defendants properly.

This is why, with all due respect, my December 2nd submitted LETTER OF REQUEST should be granted to avoid any improprieties and waste of this Honorable Court's time and resources having to address any "challenges of service" by The City of New York's Corporation Counsel.

Furthermore, without getting into specifics in regards to the City of New York's Law Department's submission by Nathan Taylor Assistant Corporation Counsel, without tipping my hand as to my Opposition to their motion, their submission mainly consists of "cherry-picked" narratives which obfuscate the full picture or premise of issues, as well as issues that either are no longer relevant or soon to be as to being a defense, as a new day is coming in regards to certain critical criteria.

Lastly, via Rule 11, I must be fully informed of all aspects of a desired motion, particularly a dispositive motion for me to consider my request for sanctions if such was to be in fact requested. Assistant Corporation Counsel, Nathan Taylor does not explicitly specify on what grounds would their motion be based upon. Is it via standing? Is it via failure to state any cause of action where relief can be granted via Federal Rule of Civil Procedure 12(b)(6)? He doesn't specify. As such, his request for this conference is defective and should be denied based upon this as well, with all due respect to him and this Honorable Court.


Respectfully submitted,
John Peterec-Tolino

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UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK (SDNY)

JOHN PETEREC-TOLINO

Plaintiff/Petitioner

Case No. 24-CV-06911 (JGK) (SDA)

-against-

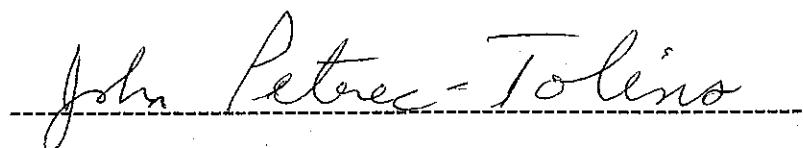
AFFIRMATION OF SERVICE

PENNROSE, LLC; et al.

Defendants

Plaintiff/Petitioner, John Peterec-Tolino Affirms under penalty of perjury that my response to the ‘Request for a Court conference in Lui of a motion to dismiss’ from Nathan Taylor, Assistant Corporation Counsel for The City Law Department to the Honorable: John G. Koeltl, US District Court Judge, filed on January 2nd, 2025—was served upon the City of New York Law Department, Attention: Assistant Corporation Counsel, Nathan Taylor via hand-delivery at: 100 Church Street, New York, N.Y. 10007 on Monday, January 6th, 2025.

Respectfully submitted,


John Peterec-Tolino

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